

**STATE WATER RESOURCES CONTROL BOARD
JOE SERNA, JR. Cal/EPA HEADQUARTERS BUILDING
1001 I STREET
SACRAMENTO, CA 95814**

**FACT SHEET
FOR
STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT FOR DISCHARGES
FROM UTILITY VAULTS AND UNDERGROUND STRUCTURES
TO SURFACE WATERS (GENERAL PERMIT)
GENERAL PERMIT CAG990002**

BACKGROUND

In 1972, the federal Water Pollution Control Act, currently referred to as the federal Clean Water Act (CWA), was amended to provide that the discharge of pollutants to waters of the United States from any point source is prohibited, unless the discharge is in compliance with an NPDES permit. The federal regulations allow authorized states to issue either general permits or individual permits to regulate discharges of pollutants to waters of the United States. On August 15, 1996, the State Water Resources Control Board (SWRCB) issued a General Permit for discharges from utility vaults and underground structures to surface waters.

The final California Toxics Rule (CTR) was promulgated by the U.S. Environmental Protection Agency (USEPA) on May 18, 2000, as required by Section 303(c)(2)(B) of the federal CWA. The CTR, which is codified in Title 40, Code of Federal Regulations (CFR), Part 131, establishes numeric criteria for priority toxic pollutants in the State of California. The CTR, National Toxics Rule and criteria and applicable Regional Water Quality Control Board (RWQCB) Basin Plan objectives for priority toxic pollutants are combined with beneficial use designations to serve as water quality standards. On March 2, 2000, the SWRCB adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP) to provide regulations for implementing the priority toxic pollutant standards. Section 5.3 of the SIP authorizes a case-by-case exception if the SWRCB determines (1) the exception will not compromise protection of surface water beneficial uses, and (2) the public interest will be served. For the proposed revised General Permit, these conditions are met because the pollutant concentrations in the discharge will not cause a violation of any applicable criteria or objective in the receiving waters. Secondly, the General Permit requires dischargers to implement pollution prevention practices (similar to Best Management Practices [BMPs]) to ensure that discharges will not cause a violation of any applicable criteria or priority toxic pollutant standards objectives in the receiving waters. As such, discharges under this General Permit are excepted from Section 1.3 (Determination of Priority Pollutants Requiring Water Quality-Based Effluent Limitations) and Section 1.4 (Calculation of Effluent Limitations) of the SIP.

With the adoption of the SIP, the SWRCB is re-issuing the General Permit initially adopted by SWRCB on August 15, 1996. The re-issuance of a General Permit is normally exempt from the California Environmental Quality Act (CEQA) under Section 13389. However, exceptions to the SIP are subject to CEQA. According to California Code of Regulations, Title 14, Section 15061 (b)(3), CEQA applies only to projects which have the potential for causing a significant effect on the environment. Granting the exceptions to Sections 1.3 and 1.4 of the SIP does not have the potential for causing significant adverse environmental effects for the reasons already explained; and therefore, this General Permit is exempt from CEQA.

Utility companies¹ may have multiple discharges from utility vaults and other underground structures as a result of storm water inflow, subterranean seepage, and/or water condensation from the air conditioning units of dry structures. These vaults and underground structures may have small quantities of oil and grease present due to the normal operation of equipment, as well as small quantities of other pollutants. It is not feasible for the SWRCB to establish numeric effluent limitations for pollutants in discharges from utility vaults and underground structures. Establishment of numeric effluent limitations for pollutants from utility vaults and underground structures is not feasible because: (1) utility companies have numerous short duration intermittent releases of water to surface waters from many different locations, and (2) treatment of all these releases to meet numeric effluent limitations would be impractical. Consequently, the discharges are excepted from the reasonable potential analysis because effluent limitations contained in this General Permit are narrative and because the discharger can not get coverage if its discharge could cause a water quality standard violation.

The purpose of this General Permit is to facilitate regulation of discharges from the de-watering of the utility vaults and underground structures. If a utility company's service area extends outside a single RWQCB boundary, then the discharges in each adjoining Region shall be covered by a separate enrollment under this General Permit.

To obtain authorization for continued and future discharge to waters of the United States, dischargers must submit a Notice of Intent (NOI) to Comply in order to be regulated under this General Permit, as provided in 40 CFR Part 122.28 (b) (2).

It is illegal to discharge pollutants to surface waters without an NPDES permit. Facilities that do not obtain coverage under this or another General Permit or under an individual NPDES permit for discharge to surface waters are in violation of the CWA and the California Water Code. There are substantial penalties, which can be pursued by the SWRCB, RWQCB, USEPA, or by private citizens for violation of these laws.

¹ Utility companies are defined as any person, as defined in S 13050 of the California Water Code, whose business is to supply the resources, excluding water, necessary for day to day living and/or operations. This includes, but is not limited to, suppliers of natural gas, electricity, and telephone services.

GENERAL CRITERIA

This General Permit is intended to cover the short-term intermittent discharges of pollutants to surface waters from utility vaults and underground structures. To be covered by this General Permit, discharges must meet the following criteria in accordance with the CTR:

1. Pollutant concentrations in the discharge do not (a) cause, (b) have a reasonable potential to cause, or (c) contribute to an excursion above any applicable priority pollutant criterion or any applicable water quality objective for the receiving waters adopted by the appropriate RWQCB or the SWRCB or applicable water quality criteria promulgated by USEPA pursuant to Section 303 of the CWA, including prohibitions of discharge.
2. The discharge does not cause acute or chronic toxicity in the receiving water.

This General Permit does **not** cover:

1. Discharges from vehicle and equipment washing, vehicle maintenance, and/or groundwater cleanup activities by utility companies.
2. Utility service construction activities when developing service areas may be covered under the statewide general NPDES permit for storm water discharges associated with construction activities (CAS000002) and/or CWA Section 401 certifications.
3. Utility companies that are permittees and/or co-permittees under Urban Areawide Storm Water Permits, which cover the intended discharges. (There is no need to seek coverage under this General Permit).
4. Discharges to a sanitary sewer do not need regulatory coverage under the NPDES Program, although the agency controlling the sanitary sewer must approve the discharge to its conveyance.

EFFLUENT LIMITATIONS AND RECEIVING WATER LIMITATIONS

NPDES permits for discharges to surface waters must meet all applicable provisions of Sections 301 and 402 of the CWA. These provisions require controls of pollutant discharges that utilize best available technology (BAT) economically achievable and best conventional pollutant control technology (BCT) to reduce pollutants and any more stringent controls necessary to meet water quality standards.

It is not feasible for the SWRCB to establish numeric effluent limitations for pollutants in discharges from utility vaults and underground structures. Establishment of numeric effluent limitations for pollutants from utility vaults and underground structures is not feasible because: (1) utility companies have numerous short duration intermittent releases of water to surface waters from many different locations, and (2) treatment of all these releases to meet numeric effluent limitations would be impractical. Therefore, the effluent limitations contained in this

General Permit are narrative and include the requirement to implement appropriate Pollution Prevention Practices¹ (PPPs), which will have the equivalent effect of BMPs. The PPPs, which may include treatment of discharges to surface waters, will constitute BAT and BCT and will be required to achieve compliance with water quality standards. Receiving water requirements must be met by the discharger and are stated as either numerical or narrative requirements, as appropriate, and are intended to be consonant with all applicable Water Quality Control Plan (WQCP) objectives, including narrative toxicity objectives (i.e., Receiving Water Limitation) and total residual chlorine (TRC) objectives, if any.

PPPs

The development of PPPs provides the flexibility necessary to establish controls, which can appropriately address the different situations in which utility companies discharge water to surface waters. The PPPs have two major objectives: (1) to help identify all the situations which lead to a discharge from utility vaults and underground structures, and (2) to describe and ensure the implementation of practices to reduce pollutants in the discharge from the normal operations of utility companies.

Standard industrywide PPPs have not been developed for utility companies. A utility company shall prepare a Pollution Prevention Plan (PLAN) and implement it whenever there is a discharge. If standard industrywide PPPs are developed, then each utility company may utilize the standard industrywide PPPs as is or may develop its own PLAN utilizing selected standard industrywide PPPs as appropriate. The PLAN shall be implemented whenever there is a discharge. All PLANs developed by utility companies must meet the minimum specifications described in Attachment D.

For help in developing a PLAN, dischargers are referred to the following document:

Industrial/Commercial Storm Water Best Management Practice Handbook
Stormwater Quality Task Force, March 1993

Dischargers are expected to be able to show that there are no feasible alternatives to discharging to surface waters and that measures, such as PPPs, have been implemented or will be implemented to minimize potential impacts. Dischargers who are enrolling for the first time under this General Permit shall submit the PLAN within 90 days from the date of enrollment. Re-enrollees shall submit a copy of their previously submitted PLAN upon request by the SWRCB and/or RWQCB, or if data or new information warrants, shall submit a revised or new PLAN. The discharger will be required to provide information in the NOI regarding the location of where the PLAN is to be maintained and to identify an appropriate contact person with regard to the PLAN.

¹ Examples of PPPs include, but are not limited to, preventive maintenance, employee training, source management, pollutant treatment, and good housekeeping.

NOTIFICATION REQUIREMENTS

To obtain coverage under this General Permit, an NOI and first annual fee must be submitted. A separate enrollment is required for discharges located within each RWQCB boundary, as defined in Section 13200 of the California Water Code. Each enrollment will cover all discharges occurring within the boundaries of that RWQCB. Signing the certification on the NOI signifies that the discharger intends to comply with the provisions of this General Permit. Dischargers are authorized to discharge upon submission of a complete and accurate NOI and the first annual fee. The authorization to discharge under this General Permit is terminated upon receipt of a Notice of Exclusion (NOE)¹ or upon the adoption of either an individual or other general permit by the appropriate RWQCB. The discharger may receive a request to submit additional information. Dischargers who are already covered under the NPDES program, whether by general or individual permit, may elect to continue their coverage under the existing permit or may submit an NOI for coverage under this General Permit. Dischargers who submit an NOI are not required to submit an individual permit application. The RWQCB may determine that a discharger submitting an NOI is not eligible for coverage under this General Permit and may require submittal of an application for an individual permit. Individual application forms will be provided by the appropriate RWQCB. The NOI form may be found within this General Permit package as Attachment A. The fully completed NOI, a project map, and first annual fee constitute a complete application for coverage under this General Permit. An NOI must be signed to be valid. Attachment A also includes guidance on completing the NOI.

Please submit the complete application to the following address:

**Wennilyn Fua
Regulation Unit
Division of Water Quality
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812**

All dischargers discharging to a municipal separate storm sewer system shall contact the appropriate local agency with jurisdiction over the said municipal separate storm sewer system within 24 hours whenever there is a discharge of 50,000 gallons or more to its system. It is the SWRCB's intention with this requirement to encourage continuing communication between dischargers under this General Permit and local agencies responsible for municipal separate storm sewer systems. Continuing communication will reduce misunderstandings and concerns over the types of discharges covered by this General Permit.

¹ An NOE is a one-page notice that indicates that the proposed discharger is NOT eligible for coverage under this General Permit and states the reason why.

DISCHARGE PROVISIONS

Dischargers are required to implement the Monitoring and Reporting Program contained in Water Quality Order No.____-DWQ. Discharges are required to be nontoxic. The prohibition against toxicity covers chemicals in concentrations that are toxic to human, animal, plant, and aquatic life.

This General Permit will expire on July 31, 2006. Those enrollees who are covered under this General Permit at the time of expiration will automatically be re-enrolled under the reissued general permit unless a Notice of Termination or Transfer (NOTT) is submitted to terminate coverage.

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

WATER QUALITY ORDER NO. _____-DWQ

**STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT FOR DISCHARGES
FROM UTILITY VAULTS AND UNDERGROUND STRUCTURES
TO SURFACE WATERS (GENERAL PERMIT)**

**GENERAL PERMIT NO. CAG990002
WASTE DISCHARGE REQUIREMENTS**

The State Water Resources Control Board (hereinafter SWRCB) finds that:

1. States may request authority to issue general NPDES permits pursuant to Title 40, Code of Federal Regulations, (CFR), Part 122.28. On June 8, 1989, the SWRCB submitted an application to the U.S. Environmental Protection Agency (USEPA) requesting revisions to its NPDES Program in accordance with 40 CFR 122.28, 123.62, and 403.10. The application included a request to add general permit authority to its approved NPDES Program. On September 22, 1989, the USEPA, Region 9, approved the SWRCB's request and granted authorization for the State to issue general NPDES permits.
2. This General Permit covers the short-term intermittent discharge of pollutants from utility vaults and underground structures to waters of the United States. This discharge is described in Finding 5 of this General Permit.
3. To be covered by this General Permit, discharges must meet the following criteria:
 - a. Pollutant concentrations in the discharge do not (1) cause, (2) have a reasonable potential to cause, or (3) contribute to an excursion above any applicable priority pollutant criterion or any applicable water quality objective for the receiving waters adopted by the appropriate Regional Water Quality Control Board (RWQCB) or the SWRCB, or applicable water quality criteria adopted by USEPA pursuant to Section 303 of the Clean Water Act (CWA), including prohibitions of discharge.
 - b. The discharge does not cause acute or chronic toxicity in the receiving water.
4. Utility companies operate and maintain numerous vaults and underground structures within their service territories. These vaults and structures may be located in residential, agricultural, commercial, or industrial areas. Sizes vary from as small as 15 cubic feet to approximately 1,500 cubic feet, depending on their intended use, type, or contents. Vaults are used to house meters, filters, pressure regulators, and valves with or without actuators. Structures can be either wet or dry. Wet structures include manholes and hand holes that contain cables, cable connections, and signal enhancers. Dry structures are sealed more

tightly and are usually air conditioned since these contain switchgears, computers, and electronics that are sensitive to environmental factors of heat and moisture.

5. It is necessary for utility companies to de-water the vaults and underground structures prior to performing any repair, maintenance, and/or installation of equipment for safety reasons. Water is pumped from the vaults or structures when the amount of water in the vaults or structures interferes with the safety and quality of the work to be done. Volume of discharges could vary from a few gallons to a few thousand gallons depending on the configuration and individual situation at each vault or structure. In most cases, the volume of discharge is less than the total volume of the utility vault. The duration of the discharges could last a few minutes to a few hours depending on the amount of water present in the vaults and underground structures and the pump used. The amount of water in the vaults or underground structures can vary from less than a foot deep to full. Typical pump rates are five gallons per minute (gpm) to 20 gpm but could be as high as 60 gpm.
6. Although a discharge may be eligible for coverage under this General Permit, the appropriate RWQCB may determine that the discharge would be better regulated under an individual or another general NPDES permit or under waste discharge requirements (WDRs) for discharges to land. If an individual or general NPDES permit is issued or if WDRs are issued for a discharge, then the applicability of this General Permit to this discharge is immediately terminated on the effective date of the RWQCB permit or WDRs.
7. The discharge of wastewater under the conditions of this General Permit constitutes the implementation of appropriate control measures to effectively manage the discharge of such wastewater through municipal separate storm sewer systems into waters of the United States. However, this General Permit does not preempt or supersede the authority of other State or local agencies to prohibit, restrict, or control the discharge of wastewater from facilities subject to this General Permit in any manner subject to their authority.
8. The designated beneficial uses of surface waters throughout the State may include municipal, domestic, industrial, and agricultural supply; water contact and non-contact recreation; navigation; groundwater recharge and freshwater replenishment; hydropower generation; wildlife habitat; cold freshwater and warm freshwater habitat; fish migration and fish spawning; marine habitat; estuarine habitat; shellfish harvesting; ocean commercial and sport fishing; areas of special biological significance; and preservation of rare and endangered species. To the extent that the applicable Water Quality Control Plans (WQCPs) designate additional or different beneficial uses, the WQCP shall control.
9. It is not feasible to establish numeric effluent limitations for pollutants in discharges from utility vaults and underground structures. Instead, the provisions of this General Permit require implementation of Pollution Prevention Practices (PPPs) to control and abate the discharge of pollutants to surface waters and to achieve compliance with Best Available Technology Economically Achievable (BAT)/Best Conventional Pollutant Control Technology (BCT) requirements and with applicable water quality standards.

10. The Threat To Water Quality (TTWQ) and Complexity rating for this General Permit is III-c. The annual fee associated with this rating is currently \$400.
11. The SWRCB has considered antidegradation pursuant to 40 CFR 131.12 and SWRCB Resolution 68-16, and discharges in compliance with this General Permit are consistent with those provisions.
12. The SWRCB, in establishing the requirements contained herein, considered factors including, but not limited to, the following:
 - a. Beneficial uses to be protected and the water quality objectives reasonably required for that purpose;
 - b. Other waste discharges;
 - c. The need to prevent nuisance;
 - d. Past, present, and probable future beneficial uses of the waters under consideration;
 - e. Environmental characteristics of the waters under consideration;
 - f. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area;
 - g. Economic considerations;
 - h. The need to develop housing within the State.
13. Effluent limitations and toxic effluent objectives established pursuant to Sections 301, 302, 304, and 307 of the CWA and amendments thereto are applicable to the discharge.
14. Discharges are excepted from Sections 1.3 and 1.4 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP) since discharges have to meet the general criteria as stated in Finding 3.
15. The action to adopt a general NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21100, et seq.), in accordance with Section 13389 of the California Water Code.
16. Granting the exceptions to the SIP is not exempt from CEQA. However, the General Permit is exempt from CEQA in accordance with California Code of Regulations, Title 14, Section 15061 (b)(3) which states that CEQA only applies to projects which have the potential for causing adverse environmental effects.
17. The SWRCB has notified interested agencies and persons of its intent to prescribe WDRs in this General Permit and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
18. The SWRCB, in a public hearing, heard and considered all comments pertaining to the discharges to be regulated by this General Permit.

19. This order shall serve as a general NPDES permit pursuant to Section 402 of the CWA and amendments thereto and shall take effect upon the date of adoption provided that USEPA has no objections within thirty (30) days from such date.

IT IS HEREBY ORDERED that all dischargers indicating their intention to be regulated under the provisions of this General Permit shall comply with the following:

A. Application:

1. Dischargers described in Finding 2 are eligible for coverage under this General Permit provided that:
 - a. The discharger submits to the following address a complete and accurate Notice of Intent (NOI) to comply (Attachment A), project map, and first annual fee to cover all discharges by that discharger within the boundaries of each RWQCB, as defined in Section 13200 of the California Water Code. The NOI must be signed in accordance with the signatory requirements of Standard Provision B.2. The NOI shall be submitted to:

**Wennilyn Fua
Regulation Unit
Division of Water Quality
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812**
 - b. The discharger, upon request, submits any additional information which the SWRCB and/or RWQCB determines is necessary in order to ascertain whether the discharge meets the criteria for coverage under this General Permit.
 - c. The discharger does not receive a written Notification of Exclusion (NOE). The discharger's authority to discharge under this General Permit terminates upon receipt of an NOE.
 - d. If the discharger receives a request to submit an application for an individual or other general permit from the **SWRCB or from an RWQCB**, the discharger is covered by this General Permit until covered by an individual or other general permit.

B. Discharge Prohibitions:

1. The discharge of wastes other than as described in Findings 2 and 5 of this General Permit is prohibited unless the discharger obtains coverage under either another general permit or an individual permit that regulates the discharge of such wastes.
2. The discharge of wastewater shall not create or cause conditions of nuisance or pollution.
3. The discharge shall not (a) cause, (b) have a reasonable potential to cause, or

(c) contribute to an excursion above any applicable priority pollutant criterion or any applicable water quality objective for the receiving waters adopted by the appropriate RWQCB or the SWRCB or applicable water quality criteria adopted by USEPA pursuant to Section 303 of the CWA.

C. Effluent Limitations:

1. The discharge of wastewater containing chlorine residual, visible suspended solids, visible floating materials, and/or oil and grease shall be managed using PPPs as discussed in Section D, below.

The discharge shall comply with this limitation before it (a) enters any water body, or (b) enters a municipal separate storm sewer system.

D. PPPs:

Standard industrywide PPPs have not been developed for utility companies. A utility company shall prepare a Pollution Prevention Plan (PLAN) and implement it whenever there is a discharge. If standard industrywide PPPs are developed, then each utility company may utilize the standard industrywide PPPs as is or may develop its own PLAN utilizing selected standard industrywide PPPs, as appropriate. The PLAN shall be implemented whenever there is a discharge. All PLANs developed by utility companies must meet the minimum specifications as described in Attachment D.

If an exceedance(s) of a receiving water limitation defined in “F. Receiving Water Limitations” below, expressed as either narrative or numerical, has been identified by the Permittee or by the RWQCB as a result of a utility company discharge, either of the following actions shall be undertaken to ensure compliance with this General Permit:

- a. The Permittee shall demonstrate to the satisfaction of the RWQCB that the Permittee is fully implementing its PLAN in accordance with “D. PPPs” above and continued implementation of the PLAN will prevent future exceedance(s) of the receiving water limits; or
- b. The Permittee shall develop and submit new or revised PPPs to prevent future exceedance(s). The Permittee shall implement such PPPs and document the progress of implementation and effectiveness thereof in the Annual Report to the RWQCB Executive Officer.

E. Solids Disposal:

1. Solids removed from liquid wastes shall be disposed of in a manner that is consistent with Title 27, of the California Code of Regulations (CCR) and approved by the appropriate RWQCB's Executive Officer.

F. Receiving Water Limitations:

Receiving Water Limitations are based upon water quality objectives contained in the appropriate RWQCB's WQCP. As such, Receiving Water Limitations are a required part of this General Permit. The discharge shall not cause the following in the receiving water:

1. Concentrations of dissolved oxygen (DO) in the receiving waters to fall below 7.0 mg/L¹. During any period when the receiving water DO concentration is already below 7.0 mg/L, the discharge shall not cause any further depression of the DO content.
2. Oils, greases, waxes, floating material (liquids, solids, foams, and scum) or suspended material to create a nuisance or adversely affect beneficial uses.
3. Alteration of the apparent color, taste, or odor beyond present natural background levels.
4. Biostimulatory substances to be present in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.
5. Turbidity in amounts which adversely affect beneficial uses in the receiving waters. Turbidity shall not increase more than 20 percent over background levels.¹
6. The normal ambient pH to fall below 6.5 or exceed 9.0.¹
7. Deposition of material that causes a nuisance or adversely affects beneficial uses.
8. Significant erosion or alteration of the watercourse.
9. The normal ambient receiving water temperature to be altered more than 5° F.¹
10. Total residual chlorine to be present at concentrations which are detectable using approved methods as specified in 40 CFR Part 136.¹
11. Taste or odor-producing substances that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin or to cause nuisance or adversely affect beneficial uses.
12. Radionuclides to be present in concentrations that exceed maximum contaminant levels specified in the CCR, Title 22, that harm human, plant, animal, or aquatic life, or that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.

¹ This limitation shall apply as is unless there are more stringent provisions expressed in either the applicable RWQCB's WQCP or the applicable State plan. In either case, the more stringent limitation shall apply.

13. Toxic pollutants to be present in the water column, sediments, or biota in concentrations that adversely affect beneficial uses, that produce a detrimental response in human, plant, animal, or aquatic life, or that bioaccumulate in aquatic resources at levels which are harmful to human health.
14. Violation of any applicable water quality objective for receiving waters adopted by the appropriate RWQCB or the SWRCB or applicable water quality criteria adopted by USEPA, pursuant to Section 303 of the CWA.

G. Provisions:

1. The discharger must comply with all conditions of this General Permit including timely submittal of technical and monitoring reports as directed by the appropriate RWQCB's Executive Officer. Violations may result in enforcement action, including RWQCB or court orders requiring corrective action or imposing civil monetary liability, or in revocation of authorization to discharge under this General Permit.
2. The discharger shall comply with the attached Monitoring and Reporting Program, Water Quality Order No. _____ DWQ, contained in Attachment B of this General Permit and any revision thereto.
3. The discharger shall comply with all the applicable items of the Standard Provisions and Reporting for Waste Discharge Requirements (Standard Provisions) which are a part of this General Permit as Attachment C.
4. If a utility company's service area extends beyond a single RWQCB boundary, then the discharges in each RWQCB shall be covered by a separate enrollment under this General Permit. An NOI and first annual fee must be submitted to the SWRCB for each enrollment.
5. Utility companies shall prepare and implement a PLAN as described in Section D above. Dischargers who are enrolling for the first time under this General Permit shall submit the PLAN within 90 days from the date of enrollment under this General Permit to the appropriate RWQCB. Re-enrollees, upon request by the SWRCB and/or RWQCB, shall submit a copy of their previously submitted PLAN, or if data or new information warrants, shall submit a revised or new PLAN. The discharger will be required to provide information in the NOI regarding the location where the PLAN is to be maintained and the identification of an appropriate contact person (including telephone number) for the PLAN. The discharger shall revise the PLAN from time to time as requested by the RWQCB.

6. For the RWQCB to receive immediate and accurate information regarding all points of discharge, the discharger shall establish and maintain a liaison contact with the appropriate RWQCB. A list of designated liaison personnel, telephone number(s), and specific area(s) of responsibility shall be submitted to the appropriate RWQCB within **30 days** from the date of submittal of the NOI and after any update to the list.
7. Dischargers discharging to a municipal separate storm sewer system shall contact the appropriate local agency with jurisdiction over the said municipal separate storm sewer system within 24 hours whenever there is a discharge of 50,000 gallons or more to its system.
8. A copy of this General Permit and the PLAN shall be kept where key operating personnel can refer to the documents. Key operating and site management personnel shall be familiar with its contents.
9. When requested by USEPA, the discharger shall also complete and submit Discharge Monitoring Reports to USEPA. The submittal date shall be specified in the request.
10. The discharger is required to retain records, including all monitoring information and copies of all reports required by this General Permit, for five years unless directed otherwise by an RWQCB.
11. This General Permit expires on July 31, 2006. Those enrollees who are covered under this General Permit at the time of expiration will automatically be re-enrolled under the reissued general permit unless a Notice of Termination or Transfer (NOTT) is submitted to terminate coverage.
12. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the discharger, the discharger shall notify the succeeding owner or operator of the existence of this General Permit by letter, a copy of which shall be immediately forwarded to the appropriate RWQCB office. The discharger shall also submit an NOTT to the appropriate RWQCB and a copy of the NOTT to the SWRCB.

H. RWQCB Authorities:

1. Following adoption of this General Permit, RWQCBs shall:
 - a. Review monitoring reports, review discharger's PLANS, conduct compliance inspections, and take enforcement actions.

- b. Issue permits as they deem appropriate to individual dischargers, categories of dischargers, or dischargers in a geographic area. Upon issuance of such permits by an RWQCB, the affected dischargers shall no longer be regulated by this General Permit.
2. RWQCBs may require additional monitoring and reporting program requirements.

Certification

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the SWRCB held on

_____.

AYE:

NO:

ABSENT:

ABSTAIN:

Maureen Marché
Clerk to the Board

DRAFT

California Environmental
Protection Agency

Attachment A

State of California

State Water Resources Control Board

NOTICE OF INTENT (NOI)

TO COMPLY WITH THE TERMS OF THE STATEWIDE
GENERAL NATIONAL POLLUTANT DISCHARGE SYSTEM
(NPDES) PERMIT
GENERAL PERMIT NO. CAG990002
FOR DISCHARGE FROM UTILITY VAULTS
AND UNDERGROUND STRUCTURES
TO SURFACE WATERS



Mark Only One Item	1. <input type="checkbox"/> New Discharge Under General Permit No. CAG990002
	2. <input type="checkbox"/> Change of Information – WDID # _____

I. TYPE (Check All That Apply)

<input type="checkbox"/> Electric	<input type="checkbox"/> Natural Gas	<input type="checkbox"/> Telephone	<input type="checkbox"/> Other _____
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II. OWNER/OPERATOR If additional owners/operators are involved, provide the information in a supplemental letter.

A. Name		Owner/Operator Type (Check One)	
		1. <input type="checkbox"/> City 2. <input type="checkbox"/> County 3. <input type="checkbox"/> State	
		4. <input type="checkbox"/> Gov. Combo 5. <input type="checkbox"/> Private	
Mailing Address			
City	State	Zip Code	Phone
B. Contact Person		1. <input type="checkbox"/> Owner 2. <input type="checkbox"/> Operator 3. <input type="checkbox"/> Owner/Operator	

☐ Additional Owners

III. BILLING ADDRESS

Send to:	Name		
<input type="checkbox"/> Owner/Operator			
<input type="checkbox"/> Other	Mailing Address		
	City	State	Zip Code

IV. REGIONAL WATER QUALITY CONTROL BOARD (RWQCB) JURISDICTION

In what RWQCB's jurisdiction are you applying for coverage?

V. LAND DISPOSAL/RECLAMATION

The State Water Resources Control Board's water rights authority encourages the disposal of wastewater on land or re-use of wastewater where practical. You must evaluate and rule out this alternative prior to any discharge to surface water under this Order.	
Is land disposal/reclamation feasible? Yes <input type="checkbox"/> No <input type="checkbox"/>	
If No, explain. If Yes, you should contact the RWQCB. This Order does not apply if there is no discharge to surface waters.	

VI. VERIFICATION

Have you contacted the appropriate RWQCB or verified in the appropriate WQCP that the proposed discharge will not violate prohibitions or orders of that RWQCB?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>

DRAFT

STATE USE ONLY

WDID:	Regional Board Office	Date NOI Received:	Date NOI Processed:
		Fee Amount Received: \$	Check #:

VII. POLLUTION PREVENTION PRACTICES PLAN INFORMATION

A. Company Name		Contact Person	
Street Address Where the Pollution Prevention Practices Plan is Located		Title of Contact Person	
City	State CA	Zip Code	Phone

VIII. DESCRIPTION OF DISCHARGE

Describe the discharge(s) proposed. List any potential pollutants in the discharge.

IX. CERTIFICATION

"I certify under penalty of law that this document and all attachments were prepared under my direct supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those directly responsible for gathering the information, the information submitted is, true, accurate, and complete to the best of my knowledge and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment." In addition, I certify that the provision of the permit, including the criteria for eligibility and the development and implementation of Pollution Prevention Practices, if required, will be complied with.

Printed Name: _____

Signature: _____

Date: _____

Title: _____

X. OTHER INFORMATION REQUIRED

A 8 ½ " x 11" map of scale =1:24000 is suggested unless the service area is too large for such a scale to be practical, in which case a scale of up to 1:250000 may be used. If the scale =1:250000 is still impractical, a map larger than 8 ½ " x 11" may be used. The map shall show the essential features of the distribution system for the service area within a specific RWQCB boundary and show the corresponding surface waters to which water may be discharged. For discharges in the Central Valley Region, please submit an additional two copies of the map, and in the Lahontan Region, please submit one additional copy of the map.

PLEASE SUBMIT THE NOI, FIRST ANNUAL FEE, AND MAP TO THE FOLLOWING ADDRESS:

**UTILITIES NOI
REGULATION UNIT
DIVISION OF WATER QUALITY
STATE WATER RESOURCES CONTROL BOARD
P.O. BOX 100
SACRAMENTO, CA 95812**

INSTRUCTIONS
FOR COMPLETING THE NOTICE OF INTENT (NOI) FOR THE
STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT FOR DISCHARGES
FROM UTILITY VAULTS AND UNDERGROUND STRUCTURES
TO SURFACE WATERS (GENERAL PERMIT)
GENERAL PERMIT No. CAG990002

These instructions are intended to help you, the discharger, complete the NOI form for General Permit No. CAG990002, "Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Discharges From Utility Vaults and Underground Structures to Surface Waters" (General Permit).

One NOI should be submitted by each utility company to cover all discharges within its service area within the boundaries of each Regional Water Quality Control Board (RWQCB).

At the top of the form, please mark whether this is a request for first time coverage under this General Permit or this is a change of information for a facility already covered under this General Permit. If this is a change of information, please supply the eleven-digit Waste Discharge Identification number for the facility.

Section I - Type

Check the appropriate box(es) indicating whether your company is a natural gas, electric, telephone, or other utility company.

Section II – Owner/Operator

Section A.

1. **Name** - The name (first and last) of the owner/operator of the facility. If the owner/operator is a company, corporation, etc., please put the name of the company, corporation, etc., in this space. Please print clearly.
2. **Owner/Operator Type** - Please check the appropriate box for which type of agency best describes the owner/operator. "Gov. Combo." is an abbreviation for "Government Combination" and indicates that the owner/operator is a joint powers agency created by two or more government agencies. Private businesses should check the "Private" box.
3. **Mailing Address** - The street number and street name where mail and correspondence should be sent (P.O. Box is acceptable).
4. **City, State, and Zip Code** - The city, state, and zip code that apply to the mailing address given.
5. **Telephone** - Daytime telephone number of the owner/operator given.

Section B.

1. **Contact Person** - Please list the name (first and last) of the contact person for the owner/operator (agency, corporation, private business, etc.) listed above.
2. Please check one of the boxes to the right of "Contact Person" to indicate whether the name given in Section A is the owner, the operator, or both the owner and the operator.
3. **Additional Owners** - Please check this box if there is more than one owner/operator. Provide the additional information in a supplementary letter addressed to the appropriate RWQCB and accompanying this NOI.

Section III – Billing Address

1. **Send To:** - Please check the appropriate box. If the billing should be sent to the property owner, please enter the information to the right **only** if it is different from the information given above. If the billing should be sent somewhere else or to someone else, please check the box titled "OTHER" and fill in the information on the right.
2. **Name** - The name (first and last) of the person who will be responsible for the billing.
3. **Mailing Address** - The street number and street name where the billing should be sent (P.O. Box is acceptable).
4. **City, State, and Zip Code** - The city, state, and zip code that apply to the mailing address given.

Section IV - RWQCB Jurisdiction

Please fill in the number of the RWQCB for which you are applying. The numbers for each RWQCB are given below.

- | | |
|--|--|
| 1- North Coast | 2- San Francisco Bay |
| 3- Central Coast | 4- Los Angeles |
| 5- Central Valley
(Sacramento, Fresno, Redding) | 6- Lahontan
(South Lake Tahoe, Victorville) |
| 7- Colorado River Basin | 8- Santa Ana |
| 9- San Diego | |

RWQCB boundaries are defined in Section 13200 of the California Water Code. If applying for coverage under RWQCB 5, please send in two additional copies of the required map, and if applying for coverage under RWQCB 6, please send in one additional copy of the required map.

Section V - Land Disposal/Reclamation

Please fill in whether or not land disposal and/or reclamation is a feasible alternative. Check the space marked "Yes" or "No", depending on your findings. If you check the space "Yes", you should contact the appropriate RWQCB because your discharge will not be covered under the NPDES Program. If you checked the space "No", you need to explain in the space provided the reason why this alternative is not feasible. If you need more space for the explanation, provide the information in a supplementary letter attached with the NOI.

Section VI - Verification

Please fill in whether or not verification has been made to determine if the discharge(s) are in compliance with prohibitions or orders of the appropriate RWQCB. Check the space marked "YES" or "NO".

Section VII - Pollution Prevention Practices Plan Information

1. **Company Name** - The legal name of the company applying for coverage under this General Permit.
2. **Contact Person** - Please list the company contact person who would be responsible for the preparation and implementation of the Pollution Prevention Practices Plan.
3. **Street Address Where Pollution Prevention Practices Plan is Located** - Please give the street number and street name where the Pollution Prevention Practices Plan will be kept for reference and review by personnel.
4. **Title of Contact Person** - The official company title of the contact person.
5. **City and Zip Code** - The city and zip code that apply to the street address given.
6. **Telephone** - The daytime telephone number of the contact person.

Section VIII - Description of Discharge

Give a narrative description of the types of operations that occur and the potential pollutants that may be contained in the discharge.

Section IX - Certification

1. **Printed Name** - Please print your name legibly. This section should be filled out by the person responsible according to Section B.2.a. of the Standard Provisions (Attachment C).
2. **Signature and Date** - Signature of name printed above and the date signed.
3. **Title** - The professional title of the person signing the NOI.

Attachment B

**STATE WATER RESOURCES CONTROL BOARD
WATER QUALITY ORDER NO. _____ DWQ**

**STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT FOR DISCHARGES
FROM UTILITY VAULTS AND UNDERGROUND STRUCTURES
TO SURFACE WATERS (GENERAL PERMIT)
MONITORING AND REPORTING PROGRAM
GENERAL PERMIT NO. CAG990002**

Utility companies¹ covered by this General Permit that propose to discharge at numerous points are required to implement the Monitoring and Reporting Program identified in this Attachment.

I. Monitoring and Reporting Program

- A. Dischargers who are enrolling for the first time under this General Permit shall develop a representative sampling and analysis program to be used as case studies to represent the typical types of discharges occurring within their service areas. Re-enrollees are required to submit case studies only for newly identified types of discharges not previously covered in the initial case studies. These case studies will be used to provide reasonable assurance that the discharges will comply with the requirements of the General Permit. The case studies shall be completed within six months from the date of enrollment under the General Permit, or as soon as possible, but within a period of twelve months in the case of discharges that occur infrequently. In the case studies, the discharger shall: (1) define the types of discharges that occur, and (2) take up to five representative samples of each type of discharge and analyze the samples, using test procedures specified in Title 40, Code of Federal Regulations (CFR), Part 136, for the following constituents:

**Total Petroleum Hydrocarbons (TPH)
Total Suspended Solids
Oil and Grease
pH**

Samples taken shall be representative of the monitored activities and shall be performed after the implementation of the Pollution Prevention Practices outlined in the Pollution Prevention Practices Plan (PLAN).

¹ Utility companies are defined as any person, as defined in § 13050 of the California Water Code, whose business is to supply the resources, excluding water, necessary for day to day living and/or operations. This includes, but is not limited to, suppliers of natural gas, electricity, and telephone services.

The discharger shall provide in the case studies at least the following:

1. A list of the typical types of discharges that occur in the project area.
2. A rationale for the selection of sampling locations.
3. A description of the sampling methods, locations, and frequency of monitoring for each type of discharge.
4. The results of any analysis done for each type of discharge.

Dischargers who are first time enrollees shall submit case studies with the first annual report, as described in Section III, and shall constitute the first year's annual monitoring. Case studies for newly identified types of discharges not previously covered or submitted with the first annual report shall be submitted with the annual report for that same year when the case studies are performed.

- B. Annually, the discharger, using test procedures specified in 40 CFR Part 136, shall analyze a representative sample for each type of discharge listed in the case studies required by Provision A.1. above for the following constituents:

<u>Constituent</u>	<u>Sample Type</u>
TPH	Grab
Oil and Grease	Grab

The results of such analysis shall be reported in the annual report. Grab samples shall be collected at the applicable point of discharge (either at the storm drain or the receiving water). If a discharger monitors the above constituents more frequently than required by this General Permit, then the results of such monitoring shall be included in the calculation and reporting of the data submitted in the annual report, but at no time will the discharger be required to submit monitoring results for more than twice the frequency required.

- C. The discharger shall provide an 8-1/2" x 11" map showing the location of the samples taken for the case studies with respect to the distribution system. The map shall be at a scale of at least 1:24,000 (1"= 2000') (e.g., USGS 7.5' topographic map). If the service area is too large for such a scale to be practical, then a scale of up to 1:144000 may be used. If a scale of 1:144000 is still impractical, a map larger than 8-1/2" x 11" may be used. The map shall also show, within reason for the final scale, the surface waters within the boundaries of the service area to which water may be discharged.
- D. The Monitoring and Reporting Program must comply with the provisions stated in "Standard Provisions-and Reporting for Waste Discharge Requirements (NPDES)" (Attachment C), Section 1B, "Monitoring and Reporting Requirements."

II. Records

Records of all monitoring information and copies of all reports required by this General Permit shall be retained for a period of at least five years from the date of the sample, observation, measurement, or report.

These records shall include:

1. The date, place, and time of site inspections, sampling, visual observation, and/or measurement;
2. The individual(s) who performed the site inspections, sampling, visual observations, and/or measurements;
3. The dimension, size and/or volume of vault;
4. Flow measurements (if required) and duration of discharge;
5. The estimated volume of discharge;
6. The date and time of analyses;
7. The laboratory, staff, or wholesaler who performed the analyses;
8. Analytical results.

III. Reporting

Annual monitoring results shall be submitted to the Regional Water Quality Control Board (RWQCB) by the **20th day of March** for the preceding calendar year. In reporting the monitoring data, the discharger shall arrange the data in tabular form so that the sampling location, date, constituents, concentrations, units of measurements and reporting limits are readily discernible. The data shall be summarized in such a manner as to illustrate clearly whether the discharge complies with waste discharge requirements.

The discharger will submit the case studies as the first annual report.

All reports submitted in response to this General Permit shall comply with signatory requirements of Standard Provisions B.2, (Attachment C)

All reports shall be submitted to the appropriate RWQCB Executive Officer.

Attachment C

**STATE WATER RESOURCES CONTROL BOARD (SWRCB)
STANDARD PROVISIONS AND REPORTING FOR
WASTE DISCHARGE REQUIREMENTS (WDR) FOR
STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT FOR DISCHARGES
FROM UTILITY VAULTS AND UNDERGROUND STRUCTURES
TO SURFACE WATERS (GENERAL PERMIT)
GENERAL PERMIT NO. CAG990002**

A. General Provisions

1. Duty to Comply [Title 40, Code of Federal Regulations Part 122.41(a)]
[California Water Code (CWC) Section 133811]
 - a. The discharger must comply with all of the conditions of this General Permit. Any general permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act (Porter-Cologne) and is grounds for enforcement action, for general permit termination, revocation and reissuance or modification, or for denial of a general permit renewal application.
 - b. The discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions even if this General Permit has not been modified to incorporate the requirement.
2. Duty to Mitigate [40 CFR 122.41(d)]
 - a. The discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this General Permit, which has a reasonable likelihood of adversely affecting human health or the environment.
3. Proper Operation and Maintenance [40 CFR 122.41(e)]
 - a. The discharger at all times shall properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the discharger to achieve compliance with this General Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems, which are installed by a discharger only when necessary to achieve compliance with the conditions of this General Permit.
4. Permit Actions [40 CFR 122.41(f)][CWC 13263(e)][40 CFR 122.44(b)(1)]
 - a. This General Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the discharger for a permit modification, revocation and reissuance, or

termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

- b. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge, and that standard or prohibition is more stringent than any limitation on the pollutant in this General Permit, this General Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the discharger so notified.

5. Property Rights [40 CFR 122.41(g)][CWC 13263(g)]

- a. This General Permit does not convey any property rights of any sort or any exclusive privileges.
- b. All discharges of waste into water of the State are privileges, not rights.

6. Duty to Provide Information [40 CFR 122.41(h)]

- a. The discharger shall furnish the Regional Water Quality Control Board (RWQCB), the SWRCB, or the U.S. Environmental Protection Agency (USEPA), within a reasonable time, any information which the RWQCB, SWRCB, or USEPA may request to determine compliance with this General Permit. Upon request, the discharger shall also furnish to the RWQCB, SWRCB, or USEPA, copies of records required by this General Permit to be kept.

7. Inspection and Entry [40 CFR 122.41(h)]

- a. The discharger shall allow the RWQCB, SWRCB, USEPA, and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents as may be required by law, to:
 - (1) Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this General Permit; and
 - (2) Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this General Permit; and
 - (3) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this General Permit; and
 - (4) Sample or monitor, at reasonable times, for the purposes of assuring General Permit compliance or as otherwise authorized by the CWA or Porter-Cologne, any substances or parameters at any location.

8. Bypass and Upset [40 CFR 122.41(m)] [40 CFR 122.41(n)]

a. Definitions.

- (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (3) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based general permit effluent limitations because of factors beyond the reasonable control of the discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. Prohibition of Bypass.

- (1) Bypass is prohibited, and the RWQCB may take enforcement action against a permittee for bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The permittee submitted notices as required under 40 CFR 122.41 (m) (3).

c. Conditions Necessary for a Demonstration of Upset.

- (1) A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed contemporaneous operating logs or other relevant evidence that:
 - (a) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (b) The permitted facility was being properly operated at the time;

- (c) The permittee submitted notice of the upset as required in 24 Hour Reporting; and
- (d) The permittee complied with any remedial measures required under 40 CFR 122.41 (d).

d. Burden of Proof.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

9. Transfers [40 CFR 122.41(L)(3)] [CWC 133771] [40 CFR 122.61(a)(b)]

- a. This General Permit is not transferable to any person except after notice to the RWQCB. The RWQCB may require modification or reissuance of the General Permit conditions to change the name of the discharger and incorporate such other requirements as may be necessary under the CWA and Porter-Cologne.

10. Severability

- a. The provisions of this General Permit are severable and, if any provisions of this General Permit or the application of any provisions of this General Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this General Permit shall not be affected thereby.

11. Pollution, Contamination, or Nuisance [CWC 13050]

- a. Neither the treatment nor the discharge shall create a condition of pollution, contamination, or nuisance.

B. Monitoring and Reporting Requirements

1. Monitoring and Records (40 CFR 122.41(j))[Title 23, California Code of Regulations, Div. 3, Ch. 14]

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The dimensions, size and/or volume of vault;

- (4) The duration of the discharge;
 - (5) The estimated volume of discharge;
 - (6) The date(s) analyses were performed;
 - (7) The individual(s) who performed the analysis;
 - (8) The analytical techniques or methods used; and
 - (9) The results of such analyses.
- c. Monitoring results must be conducted according to test procedures under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503 or unless other test procedures have been specified in this General Permit.

2. Signatory Requirements [40 CFR 122-41(k)] [40 CFR 122.221]

- a. All general permit applications or Notices of Intent submitted to the RWQCB, SWRCB, and/or USEPA shall be signed as follows:
- (1) For a corporation: by a responsible corporate officer. For the purpose of this provision, a responsible corporate officer means: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA).
- b. All reports required by this General Permit and other information requested by the RWQCB, SWRCB, or USEPA shall be signed by a person described in paragraph (a) of this provision or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in paragraph (a) of this provision;
 - (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 - (3) The written authorization is submitted to the RWQCB, SWRCB, or USEPA.
- c. If an authorization under paragraph (b) of this provision is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this provision must be submitted to the RWQCB, SWRCB, or USEPA prior to or together with any reports, information, applications, or NOIs to be signed by an authorized representative.
 - d. Any person signing a document under paragraphs (a) or (b) of this provision shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted, to the best of my knowledge and belief, is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

3. Monitoring Reports [40 CFR 122.41(l) (4)]

- a. Monitoring results shall be reported at the intervals specified in the General Permit.
- b. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms approved by the RWQCB or SWRCB for reporting results of monitoring of pollutants and sludge use or disposal practices.
- c. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this General Permit.

4. Compliance Schedules [40 CFR 122.41(l)(5)]

- a. Reports of compliance or noncompliance with interim and final requirements contained in any compliance schedule of this General Permit shall be submitted no later than 14 days following each schedule date.

5. Twenty-four Hour Reporting [40 CFR 122.41(l)(6)]

- a. The discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue, and, steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- b. The following shall be included as information that must be reported within 24 hours under this paragraph:
 - (1) Any bypass which exceeds any effluent limitation in the General Permit.
 - (2) Any upset which exceeds any effluent limitation in the General Permit.
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed in this General Permit is to be reported within 24 hours. The RWQCB may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours.

6. Other Noncompliance [40 CFR 122.41(1)(7)]

- a. The discharger shall report all instances of noncompliance not reported under Provisions (B.3), (B.4), and (2.5) at the time monitoring reports are submitted. The reports shall contain the information listed in Provision (B.5).

7. Other Information [40 CFR 122.41(l)(8)]

- a. When the discharger becomes aware that it failed to submit any relevant facts in a General Permit application or NOI or submitted incorrect information in a General Permit application, NOI, or in any report to the RWQCB, SWRCB, or USEPA, the discharger shall promptly submit such facts or information.

8. Planned Changes [40 CFR 122.41(l)(1)]

- a. The discharger shall give notice to the RWQCB as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 122.29(b); or
 - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are

subject neither to effluent limitations in the General Permit nor to notification requirements under 40 CFR Part 122.42(a)(1); or

- (3) The alteration or addition results in a significant change in the discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of General Permit conditions that are different from or absent in the existing general permit, including notification of additional use or disposal sites not reported during the General Permit application/NOI process or not reported pursuant to an approved land application plan.

9. Anticipated Noncompliance [40 CFR 122.41(l)(2)]

- a. The discharger shall give advance notice to the RWQCB or SWRCB of any planned changes in the permitted facility or activity, which may result in noncompliance with General Permit requirements.

10. Discharge Monitoring Quality Assurance (DMQA) Program [SWRCB/USEPA 106 MOA]

- a. The discharger shall conduct appropriate analyses on any sample provided by USEPA as part of the DMQA program. The results of such analyses shall be submitted to USEPA's DMQA manager.

C. Enforcement Provisions

1. The CWA provides that any person who violates a general permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA is subject to a civil penalty not to exceed \$25,000 per day of violation. Any person who negligently violates general permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA is subject to a fine of not less than \$2,500 nor more than \$25,000 per day for each violation, or by imprisonment of not more than one year, or both. Higher penalties may be imposed for knowing violations and for repeat offenders. Porter-Cologne provides for civil and criminal penalties comparable to and in some cases greater than those provided under the CWA. [40 CFR 122.41(a)(2)][CWC Sections 13385 and 13387]
2. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this General Permit, including monitoring reports or reports of compliance or noncompliance, upon conviction, shall be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both. [40 CFR 122-41(k)(2)].
3. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this General Permit, upon conviction, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or both. Higher penalties may be imposed for repeat offenders. [40 CFR 122.41(j)(5)].

**STATE WATER RESOURCES CONTROL BOARD
WATER QUALITY ORDER NO. _____ DWQ**

**CRITERIA FOR A POLLUTION PREVENTION PLAN FOR THE
STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT FOR DISCHARGES
FROM UTILITY VAULTS AND UNDERGROUND STRUCTURES
TO SURFACE WATERS (GENERAL PERMIT)
GENERAL PERMIT NO. CAG990002**

Utility companies¹ covered by this NPDES General Permit that propose to discharge at numerous points are required to implement a Pollution Prevention Plan (PLAN) whenever there is a discharge². The following elements shall constitute a complete and acceptable PLAN.

1. The PLAN shall be divided into at least four sections: (1) Scheduled Discharges, (2) Unscheduled Discharges, (3) Reservoir Discharges (if any), and (4) Emergency Operation Discharges.
2. The PLAN shall include, at least, the following items:
 - a. A map showing the essential features of the distribution system for the service area within a specific Regional Water Quality Control Board (RWQCB) boundary and showing the corresponding surface waters to which water may be discharged. The map should be to a scale of 1:24000 if practical. If the above scale is not practical, then a scale of up to 1:144000 may be used. If this scale is not practical as well, then the map may be larger than 8-1/2" x 11".
 - b. For each section of the PLAN, include a narrative description of the following:
 - (1) The types of discharges that occur.
 - (2) The pollutant constituents expected in each type of discharge.
 - (3) The approximate duration (expressed as a range) of each type of discharge.
 - (4) Existing structural and nonstructural control measures (if any) to reduce pollutants in discharges to surface water.
 - c. For each section of the PLAN, describe the appropriate Pollution Prevention Practices (PPPs). The appropriate PPPs shall reflect identified types of discharges and potential sources of pollutants. The description of the PPPs shall include:
 - (1) A detailed description of the particular PPP.
 - (2) Operating procedures. Sample field calculations to be performed (if pertinent).
 - (3) Monitoring and evaluation.

¹ Utility companies are defined as any person, as defined in § 13050 of the California Water Code, whose business is to supply the resources, excluding water, necessary for day-to-day living and/or operations. This includes, but is not limited to, suppliers of natural gas, electricity, and telephone services.

² If and when the State Water Resources Control Board approves statewide Pollution Prevention Practices (PPPs) for utilities, the dischargers will have the option of: (1) adopting the statewide PPPs as their own; (2) adopting elements of the statewide PPPs, supplemented with the discharger's own PPPs, as their own PLAN; or (3) developing their own PLAN.

- (4) Suitable applications for the PPP.
- (5) Structural diagrams (if pertinent).
- (6) Advantages and limitations of the PPP.
- (7) References.

In addition:

1. The PLAN shall be designed to comply with best available technology/ best conventional pollutant control technology (BAT/BCT), and to ensure compliance with water quality standards.
2. The PLAN shall be retained by the discharger and made available upon request of a representative of the RWQCB. The contact person, telephone number, and address where the PLAN is to be maintained shall be submitted in the discharger's Notice of Intent.
3. The discharger shall amend the PLAN whenever there is a change in construction, operation, or maintenance, when such amendment is necessary to ensure compliance with BAT/BCT and receiving water limits. The PLAN shall also be amended if it is in violation of any conditions of this General Permit or has not achieved the general objective of controlling pollutants in discharges to surface waters.
4. The RWQCB may notify the discharger that the discharger's PLAN does not meet one or more of the minimum requirements of this Attachment. A time schedule to make the changes will be included with this notification. After making the required changes, the discharger shall provide written certification that the changes have been made.
5. The PLAN shall be certified in accordance with the signatory requirements of Standard Provision B.2.